



FREDERICK COUNTY PLANNING COMMISSION

March 14, 2012

TITLE: Kaler Ice Cream & Sandwich

FILE NUMBER: SP 07-05 (AP #6067, APFO #6074 & FRO #6076)

REQUEST: Site Plan

The Applicant is requesting site plan approval in order to establish an ice cream/sandwich shop use within an existing 751 square foot barn as well as add a 256 square foot addition onto the existing barn. The Applicant also proposes to add a 15 space parking area to the .446 acre site.

PROJECT INFORMATION:

LOCATION: Located at the corner of Lander Road and Jefferson Pike (MD 180).
ZONING: VC (Village Center)
REGION: Brunswick
WATER/SEWER: W-5, S-1.
COMP. PLAN/LAND USE: Village Center

APPLICANT/REPRESENTATIVES: (as applicable)

APPLICANT: Price W. & Laura C. Kaler
OWNER: Price W. & Laura C. Kaler
ENGINEER: Benchmark Engineering, Inc.
ARCHITECT: Not Listed
ATTORNEY: Not Listed

STAFF: Tolson DeSa, Principal Planner

RECOMMENDATION: Conditional Approval

Enclosures:

Exhibit #1-Site Plan Rendering

BACKGROUND

Proposal:

The Applicant is requesting site plan approval in order to establish an ice cream/sandwich shop use within an existing 751 square foot barn as well as add a 256 square foot addition onto the existing barn. The Applicant also proposes to add a 15 space parking area to the .446 acre site.

The subject property is located at the southwest corner of Jefferson Pike (MD 180) and Lander Road. Existing on this corner lot are 2 structures used for residences. The structure closest to the northeast corner includes 2 dwellings, for a total onsite count of three residential dwellings. The subject building is a barn and is classified as an accessory structure and used for storage by the occupants of the dwellings, the barn is an existing non-conforming use.

As way of background on the subject site, on October 31, 2005 the Board of Appeals upheld the Applicant's appeal of the Zoning Administrator's letter of August 4, 2005 and found that § 1-19-4.500 does not address the number of uses permitted on a commercial parcel and that all of the portions of the Zoning Ordinance remain in effect.

However, the Village Center zoning district has been amended since 2005 to permit multiple uses and multiple structures on a single lot. Therefore, the Board of Appeals decision from October of 2005 does not directly affect the uses on the site today and the provision of the Village Center District Overlay Standards §1-19-7.500 are applicable,

ANALYSIS

Proposed Use: The proposed use is being reviewed as a "Convenience Store and/or Restaurant" (as it has characteristics of both) under *Commercial Uses-Retail* per §1-19-5.310 in the Zoning Ordinance and is a principal permitted use in the VC Zoning District subject to site development plan approval.

Zoning: The site is located within the Village Center (VC) Zoning District.

Dimensional Requirements/Bulk Standards: Section 1-19-6.100 of the Zoning Ordinance stipulates the setback requirements and the minimum lot area for the proposed use. The setback requirements are provided in the Village Center zoning district overlay standards within §1-19-7.500.B.3, which contains the regulations for existing structures located within a VC parcel.

Front, side, and rear setbacks will be determined based upon the average setbacks for structures located on all lots facing and adjacent to the proposed development, but in no event less than the specific minimum setbacks where provided in § 1-19-6.100.

This plan proposes a 256 square foot addition to the existing barn to the interior of the site, which does affect or impact the building restriction lines of the property.

This site complies with the Mixed Uses design standards within §1-19-7.500.B.4 including multiple structures, as well as the general design standards in §1-19-7.500.C. Therefore, the proposed plan meets the Bulk/Dimensional requirements and design standards of the VC Zoning District.

Access/Circulation: The access will be via an existing full-movement, 23' wide, driveway from Lander Road, approximately 200 feet south of MD 180. Lander Road is approximately 30' bituminous pavement roadway with curb and gutter, and is designated as a minor arterial with an 80' R/W, between MD 180 and US 340. A new sidewalk is being provided along its Lander Road frontage, connecting into the existing sidewalk along MD 180.

Parking: Pursuant to §1-19-6.220 of the Zoning Ordinance the proposed ice cream/sandwich shop is similar to a restaurant use in terms of parking. A restaurant use requires 1 space for every 50 square feet of customer service area. Therefore, 500 square feet of customer floor area requires 10 spaces. Residential Portion: 2 spaces are required for single family, mobile home, duplex, or two-family dwelling. Therefore, 3 residential units require 6 spaces. Total parking spaces required are 16; the Applicant is proposing 15, including 1 ADA accessible spaces. In order to fulfill the parking lot landscaping requirements of § 1-19-6.400.D.1, the Applicant had to reduce the parking count by 1 into order to add a landscaped island to the existing gravel parking area.

As the zoning ordinance does not have a specific 'Ice Cream/Sandwich Shop' use associated with the parking space requirements table, utilizing the restaurant use (as noted above) provides a basis to start from. Further, the requirements note that for any specific use not listed, the Planning Commission (or authorized representatives) will make the determination taking into consideration the characteristics of the use.

Staff supports the proposed parking due to the fact that this site and its use: has a higher anticipated turnover (of parking) than a typical sit-down restaurant; is within walking distance and is providing pedestrian connectivity to many of its customers; is sharing its parking with the residential uses on site; and has utilized the space otherwise designated for parking to add additional parking aisle landscaping.

Loading Area: Pursuant to §1-19-6.210 of the Zoning Ordinance (due to the size of the proposed store) a separate loading space is not required, if approved by Staff. Therefore, due to the parking provided, Staff supports the elimination of a formal loading space for this proposed use.

Landscaping: The Applicant has worked with Staff in order to propose a landscape plan throughout this site. The Applicant has worked with Staff and the Applicant's Engineer in order to save a 36" DBH maple tree located on site as well as an 11" DBH oak tree. The Applicant has proposed a double row of shrubs, flowering trees and bushes, which will screen the existing parking area from the adjacent properties. The Applicant is also relocating an existing hedgerow along Lander Road in order to install a 4' sidewalk along the Lander Road frontage. The landscaping contains a variety of plant species, which provide screening as well as aesthetics. The planting schedule follows the standard sizes that have been approved by the Planning Commission.

Utilities: The site is to be served by an existing private well; sewer is provided by connection to an existing lateral that connects to public sewer.

Bicycle Parking: The site/proposed use is not required to accommodate bicycle racks, however, the Applicant has provided one bicycle rack on site.

Lighting: Site lighting is provided dusk to dawn by means of one (1) 100-watt pole light, located to the interior of the site adjacent to the door of the restaurant. All lighting will be placed in such a manner as to eliminate glare onto streets or adjoining properties.

The Applicant has noted on the plan that lighting will not exceed 0.5 ft/candles at the periphery of the site and lighting will be directional onto the site through the use of shielding and lighting orientation.

Signage: The site is allowed a maximum of 61 square feet of signage with a maximum height of 25 feet. The Applicant has proposed two signs totaling 40.5 sq. ft. with a maximum height of 14 feet. The proposed signage complies with all applicable code requirements.

Adequate Public Facilities Ordinance (APFO):

Roads: This site will generate less than 50 weekday peak hour trips and is therefore be exempt from testing. The MD 180/Lander Road intersection is inadequate and slated for improvement by the developer of the proposed Woodbourne Manor Subdivision. The cost to construct the sidewalk that is required of the Woodbourne Manor developer roughly equates to this development's fair share contribution toward that improvement and therefore would satisfy APFO requirements.

Schools: The proposed use is non-residential and therefore won't generate any public school children.

Water & Sewer: The DUSWM determined that the public water and sewer facilities proposed to serve the property appear adequate at the time for this development. APFO approval for water and sewer does not guarantee that plats will be recorded and building permits issued. Plat recordation and building permit issuance is subject to compliance with the Annotated Code of Maryland, Environment Article section 9-512, et seq, and all applicable County regulations, including but not limited to §1-16-106.

Forest Resource Ordinance (FRO): This project is not subject to the FRO Ordinance because the parcel is less than 40,000 square feet.

OTHER AGENCY COMMENTS

<i>Other Agency or Ordinance Requirements</i>	<i>Comment</i>
<i>Development Review Engineering (DRE):</i>	Approved
<i>Development Review Planning:</i>	A few minor drafting issues noted in Hansen, in addition to items listed in the report.
<i>State Highway Administration (SHA):</i>	N/A.
<i>Div. of Utilities and Solid Waste Mngt. (DUSWM):</i>	Approved
<i>Health Dept.</i>	Approved
<i>Office of Life Safety</i>	Approved
<i>DPDR Traffic Engineering</i>	Approved
<i>Historic Preservation</i>	Approved

FINDINGS

Based on the discussion in this report and with the conditions listed below, Staff finds that the application meets and/or will meet all applicable Zoning, APFO and FRO requirements once the conditions of approval have been met.

Staff notes that if the Planning Commission conditionally approves the site plan, the site plan is valid for a period of three (3) years from the date of Planning Commission approval.

Staff has no objection to conditional approval of the site plan.

RECOMMENDATION

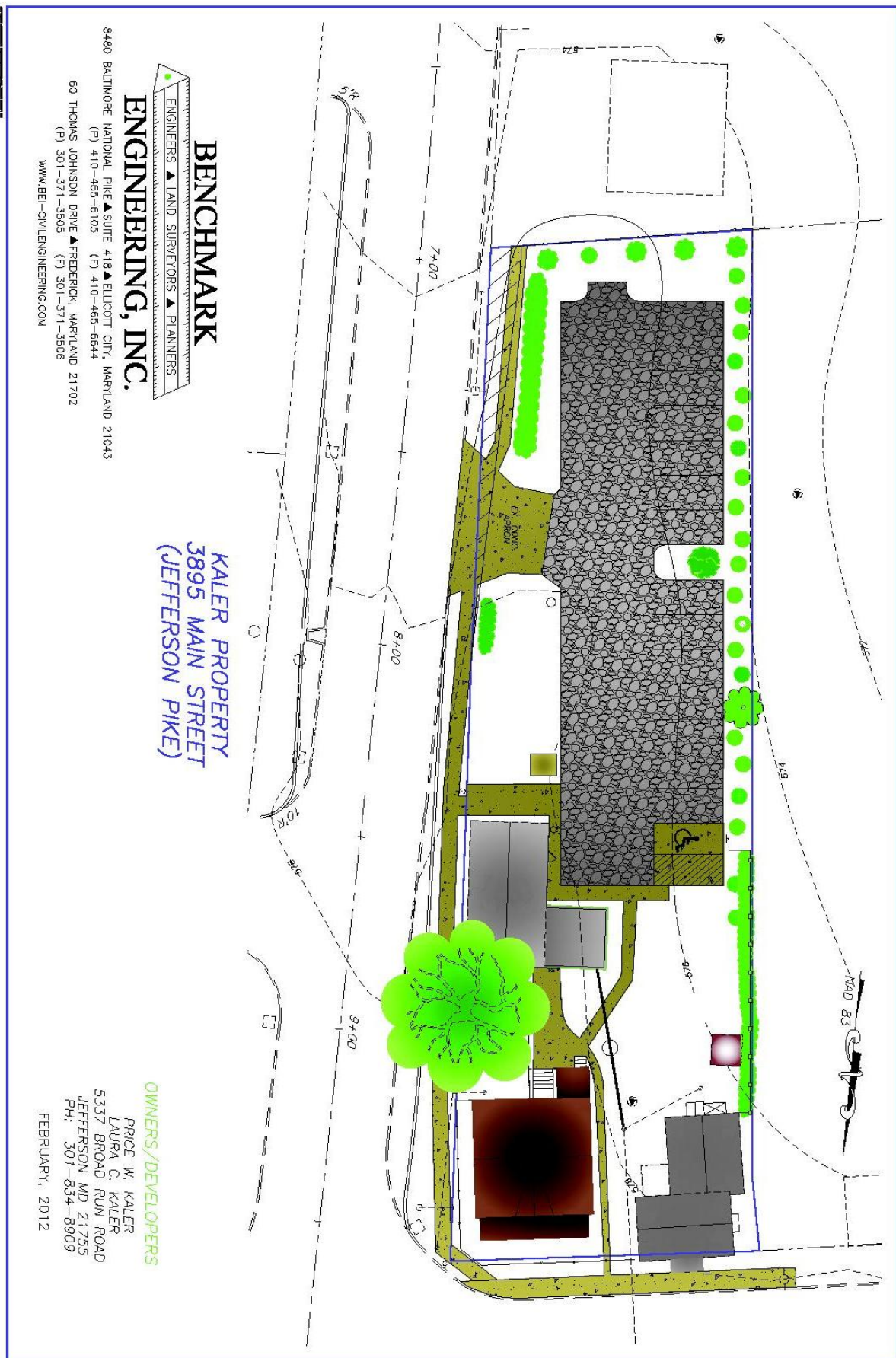
Should the Planning Commission conditionally approve this Site Plan SP # 07-05 (AP# 6067, APFO 6074 & FRO 6076) for the proposed Kaler Property, the motion for approval should include the following item:

1. Site plan and APFO approval for a period of three years from today's date.

Staff recommends that the following items be added as conditions of approval:

1. Address all agency comments as the plan proceeds through completion.

Exhibit #1 Overall Site Plan: Kaler's Ice Cream and Sandwich



Kaler's Ice Cream & Sandwich

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